

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

|                                  |   |                                |
|----------------------------------|---|--------------------------------|
| BENNIE J. HIGGINS,               | ) |                                |
|                                  | ) |                                |
| Plaintiff,                       | ) | CIVIL ACTION NO. 1:07cv1073-WC |
|                                  | ) |                                |
| v.                               | ) |                                |
|                                  | ) |                                |
| MICHAEL J. ASTRUE,               | ) |                                |
| Commissioner of Social Security, | ) |                                |
|                                  | ) |                                |
| Defendant.                       | ) |                                |

**ORDER**

The undersigned observes that Plaintiff has failed to file and serve his brief in support of his claim(s) for relief in compliance with this Court's order. Order of 11 December 2007 (Doc. #3). Specifically, this Court ordered Plaintiff to file a brief in support of his claim(s) for relief within 40 days after Defendant filed his Answer and served Plaintiff with the administrative record. (Doc. #3). The record reveals the Commissioner filed his Answer with the Court and served Plaintiff on 11 March 2008. (Doc. #9). Plaintiff was therefore required to file his brief on or before 19 April 2008. No brief has been filed to date, nor has Plaintiff sought an extension or filed a motion for leave to file the brief out of time. Accordingly, it is

ORDERED that **on or before 16 May 16 2008**, Plaintiff shall file a brief in support of his Complaint. The Court advises Plaintiff that failure to comply with this order may lead the undersigned to dismiss Plaintiff's Complaint for abandonment of claim(s) and failure to comply with the Court's orders. It is further

ORDERED that the Clerk of Court is directed to **OVERNIGHT MAIL** this order to Plaintiff's counsel.

Done this 8th day of May, 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE